

LAW OFFICES OF PETER GUADAGNINO
A PROFESSIONAL CORPORATION

PETER GUADAGNINO, ESQ.
ATTORNEY AND COUNSELOR AT LAW

**30 WALL STREET, 8TH FLOOR
NEW YORK, NEW YORK 10005
OFFICE (212) 709-8099
FASCIMILE (718) 213-4744**

February 28, 2022

EX PARTE

The Honorable Brian M. Cogan
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *United States v. Amato, et al.*, 19 Cr. 442 (BMC)

Your Honor:

I represent defendant Mr. Daniel Capaldo in the above-referenced case. I write to request the Court's authorization to have Mazan Rabadi M.D. assigned as a specialist in internal medicine in this matter to aid in sentencing of this case. This request should be granted for the following reasons.

Mr. Capaldo has pleaded guilty to extortion and various other crimes in this case. He is scheduled to be sentenced by the Court on March 23, 2022.

In March 2020, when the Covid Pandemic initially began, Judge Brodie released Mr. Capaldo from the M.D.C. to house arrest with an electronic bracelet based on a letter from Dr. Rabadi that outlined all of Mr. Capaldo's medical issues. Dr. Rabadi's letter was based on a review of Mr. Capaldo's medical condition two years ago.

Mr. Capaldo suffers from many pre-existing conditions, including scarring of the lungs. He has suffered previously from pneumonia and he currently has asthma as well as many other ailments. I am reviewing Mr. Capaldo's medical records for sentencing and they are voluminous. In the past two years, Mr. Capaldo has undergone surgery for a hip replacement and he was also diagnosed with many other medical issues. I would like the assistance of Dr. Rabadi to help me

review these records and work in tandem with the mitigation expert, Robert Mladinich, whom the Court already approved to assist me in preparing for sentencing.

The proposed Medical Doctor is Mazan Rabadi M.D. whose address is Bronxville Internal Medicine, 700 Post Road, Suite 22 Scarsdale, New York 10583. Dr. Rabadi's proposed rate is \$350.00 an hour. Dr. Rabadi has a reputation for being diligent and honest. He has done work for the CJA Panel before. He estimates that it would take approximately 15 hours for him to assist me in preparing the medical aspect of Mr. Capaldo's medical profile for the Court's consideration for sentencing.

Respectfully Submitted,

Peter Guadagnino

Peter Guadagnino, Esq.

Attorney for Daniel Capaldo